

REMARKS

Pursuant to the present amendment, claims 10-14 and 25-29 have been canceled and new claims 30-35 have been added. Thus, claims 8-9, 15-16, 21-24 and 30-35 are pending in the present application. No new matter has been introduced by way of the present amendment.

As an initial matter, in the previous response (Amendment A mailed October 21, 2004), claim 8 was amended to include the limitation from dependent claim 17, which was indicated to be allowable in the Office Action dated October 24, 2004 (page 5). Thus, it is believed that independent claim 8, and all claims depending therefrom, are in condition for immediate allowance. However, in the most recent Office Action, the Examiner, perhaps inadvertently, failed to indicate that claim 8 was allowable. Applicants respectfully request that the Examiner reconsider this point.

With respect to the restriction requirement, Applicants elect to prosecute the embodiment wherein at least one spacer is positioned in a bore formed in a femoral head, and a neck is thereafter coupled to the femoral head. In general, this embodiment is disclosed in Figures 2-5 and the associated portions of the specification discussing these figures. It is believed that claims 21-24 and 30-35 read on this embodiment of the present invention. Support for the newly added claims can be found in the specification at, for example, Figures 2-5 and page 6, line 10 – page 10, line 2.

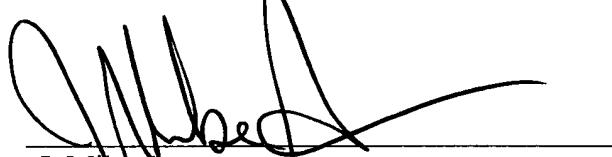
Claim 8 is directed to an embodiment depicted in Figure 8. However, since this claim was previously indicated to be allowable (by virtue of incorporating limitations from claim 17), it is believed that this claim, and the claims depending therefrom, should remain in the present case. That is, claims 8, 9, 15 and 16 are still believed to be in condition for immediate allowance.

It should be understood that, in making the present amendments, Applicants do not acquiesce in the correctness of the positions taken by the Examiner in the present Office Action. Applicants specifically reserve the right to pursue the subject matter defined by the canceled claims in a later filed application should they so desire.

In summary, it is believed that claims 8, 9, 15 and 16 are in condition for immediate allowance, and that claims 21-24 and 30-35 are ready for examination on the merits. The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON
CUSTOMER NO. 45488



Date: May 17, 2005

J. Mike Amerson
Reg. No. 35,426
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4056
(713) 934-7011 (facsimile)

ATTORNEY FOR APPLICANTS